

# Circular 01/03

For Information

## Corporate Governance

Initial Delegation of Functions to Local Learning and Skills Councils

### Summary

This circular sets out the initial functions which the National Council delegated to Local Councils at its meeting on 5 April 2001, and the context in which those functions should be exercised



Learning+Skills Council

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## **Further information**

For further information, please contact the appropriate Learning and Skills Council local office, or write to:

The Learning and Skills Council  
Cheylesmore House  
Quinton Road  
Coventry CV1 2WT

# Summary

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This circular sets out the initial functions which the National Council delegated to Local Councils at its meeting on 5 April 2001, and the context in which those functions should be exercised

# Initial Delegation of Functions to Local Learning and Skills Councils

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## Introduction

1 As a Non-Departmental Public Body (NDPB) all the powers and duties of the Learning and Skills Council and the Local Learning and Skills Councils derive from the *Learning and Skills Act 2000* (the Act). These powers and duties are placed initially on the (National) Learning and Skills Council. In order for local Learning and Skills Councils to become fully operational it is necessary for the National Council to delegate powers and duties to them. This circular sets out the decisions made about the first set of formal delegations made by the Council at its meeting on 5 April 2001.

2 At its meeting on 5 April the National Council agreed that Local Learning and Skills Councils should undertake the functions set out in annex A. These decisions were made to begin the process of establishing powers and duties of local Councils and specifically so that local Councils can adopt their local learning plans and can contribute to the National Council's Corporate Plan. In exercising these functions, local Councils will need to engage with employers and other local bodies. These functions will need to be exercised in accordance with the statutory powers and duties set out in the *Learning and Skills Act 2000* and within frameworks, policies and the Corporate Plan established by the National Council. It is anticipated that this is the first delegation of specific powers and duties and that further delegation will follow in due course.

## Legal background

3 All powers and duties of the Learning and Skills Council as set out in the Act are vested in the National Council. Section 20 of the Act provides that a local Council must perform in relation to its area such of the Council's powers and duties as the Council may specify. The Council is also empowered to specify that a local Council may perform its duties or powers in an area outside its own, but so far no decision may be made to do this.

## Development of further functions of local Councils

4 We anticipate that the list of functions in annex A will need to be added to or amended as the policy on the relationship between the National Council and local Councils is further developed and in the context of the development of the Council's Corporate Plan. It is recognised that as the Council takes over its working functions in the next few weeks, specific functions may need to be carried out urgently at a local level. At its meeting on 5 April the Council therefore delegated authority to the Chief Executive to authorise local Councils to carry out further functions where such authorisation was necessary before the next meeting of the Council.

## Delegation of functions by local Councils

5 It is important to make clear that a local Council may delegate to the local Chairman or Executive Director the functions that the National Council has specified it should undertake (Schedule 2 paragraph 6 of the Act) and that Executive Directors can delegate their functions to their staff.


## Exercise of functions by local Councils

6 In carrying out the functions specified in annex A local Councils will need to bear in mind:

- that the Council has no powers beyond those set out in the *Learning and Skills Act 2000*
- the financial implications of decisions; for example, the impact on:
  - the local Council's administrative budgets
  - the local Council's programme funds
- the effect of conditions attached to additional funds or resources they may receive from outside the Council
- any guidance given to local Councils by the Council under section 21 of the Act.

## Finally

7 It is always difficult to cover every eventuality in a circular of this nature. If you have any queries about these delegations or the advice in this circular, please contact Cathy Robinson, Council Solicitor, Learning and Skills Council, Cheylesmore House, Quinton Road, Coventry, CV1 2WT telephone 024 7649 3561.



*John Harwood, Chief Executive*

# Annex A: Initial functions of local councils

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1 In exercising the functions set out below local Councils should take into account the guidance given in the main body of the circular and in particular ensure that the functions are exercised in accordance with the statutory powers and duties set out in the *Learning and Skills Act 2000* and within frameworks, policies and the Corporate Plan established, or to be established, by the National Council.

## Strategic functions

2 Prepare and adopt the local learning plan incorporating skills and participation strategies and oversee the application of that plan in the community

3 Review the quality of local providers' provision, including receiving reports of area and other inspections and where appropriate approve and publish action plans

4 Approve an equal opportunities strategy and action plan (in consultation with key partners and local community groups) including improving local target setting and performance indicators to tackle under-representation and under-achievement

5 Make and publish proposals for the establishment and dissolution of Further Education Corporations under the *Further and Higher Education Act 1992*

## Specific functions

6 Give consent to Further Education Corporations under s19(4C) *Further and Higher Education Act 1992* to exercise their power to participate in companies providing education secured by financial resources provided by the Council

7 Appointment of governors to Further Education Corporations within the local Council area under section 11 of the *Learning and Skills Act*

8 Nominate Council representatives to School Organisation Committees within the area of the local Council

## Financial functions

9 Approve allocations from the Local Initiative Fund taking into account National Council and Government objectives

10 Approve the use of inherited monies (that is, TEC surpluses allocated to the local Council)

11 Exercise oversight of the finances of the local Council including establishing an Audit Committee and, in particular, approve the financial control system and risk management strategy for the local Council

## Partnership functions

12 Develop and enter into partnerships where those partnerships might contribute to, or benefit from, the local Council's plans and targets.

# Notes

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# Notes

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Reference CIRC/0029/01